

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 2/15/2024
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UNITED STATES OF AMERICA

[PROPOSED]
Order of Restitution

v.

BRENT WHITELEY,

Defendant.

S2 20 Cr. 534 (GHW)

Upon the application of the United States of America, by its attorney, Damian Williams, United States Attorney for the Southern District of New York, Allison Nichols, Assistant United States Attorney, of counsel; the presentence investigation report; the defendant's conviction on Counts One through Six of the Superseding Information; and all other proceedings in this case, it is hereby ORDERED that:

1. Amount of Restitution

Pursuant to 18 U.S.C. §§ 3663(a)(3), the defendant, BRENT WHITELEY, shall pay restitution in the total amount of \$11,463,129.43, which is comprised of \$7,363,129.34 based on his conviction on Counts One through Four of the Superseding Information, and \$4,100,000.00 based on his conviction on Count Five of the Superseding Information.

A. Joint and Several Liability

Pursuant to 18 U.S.C. § 3664(h), the defendant shall be jointly and severally with co-defendants JEFFREY HASTINGS and MICHAEL SCOTT in S4 20 Cr. 534 (GHW) and S3 20 Cr. 534 (GHW), respectively, for the sum of \$7,363,129.34 to SAEX, the victim of the offenses charged in Counts One through Four. Because \$3,252,851.64 of the joint and several restitution amount has been paid by Hastings before sentencing of the defendant and Scott, the defendant's

liability to pay shall continue unabated until SAEX has recovered the total joint and several loss amount of \$7,363,129.34 from all defendants.

B. Apportionment Among Co-Defendants

Pursuant to 18 U.S.C. §§ 3664(h)-(i), the defendant shall be solely liable to pay the sum of \$4,100,000 in restitution for the offense charged in Count Five. The names, addresses, and specific amounts owed to each victim of the offense charged in Count Five are set forth in the Schedule of Victims, attached hereto as Schedule A. Payments received from the defendant shall be applied first to the restitution amount for which he is solely liable, and after that sum has been satisfied, the defendant's payments shall then be applied to the outstanding balance of restitution owed jointly and severally with Hastings and Scott.

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the defendant, including whether any of these assets are jointly controlled; projected earnings and other income of the defendant; and any financial obligations of the defendant; including obligations to dependents, the defendant shall pay restitution in the manner and according to the schedule that follows:

- a. If a term of imprisonment is imposed, while serving any term of imprisonment, the defendant shall make installment payments toward restitution and may do so through the Bureau of Prisons' (BOP) Inmate Financial Responsibility Plan (IFRP).
- b. Any unpaid amount remaining upon release from prison will be paid in installments of at least 25 percent of the defendant's gross income on the 1st of each month.

in an amount of
\$50.00 per month
GHW

This schedule is without prejudice to the Government taking enforcement actions, pursuant to 18 U.S.C. § 3613, to the extent warranted.

3. Payment Instructions

The defendant shall make restitution payments by certified check, money order, or online. Instructions for online criminal debt payments are available on the Clerk of Court's website at <https://nysd.uscourts.gov/payment-information#PaymentofCriminalDebt>. Checks and money orders shall be made payable to the "SDNY Clerk of Court" and mailed or delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The defendant shall write his name and the docket number of this case on each check or money order.

4. Change in Circumstances

The defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Program) of (1) any change of the defendant's name, residence, or mailing address or (2) any material change in the defendant's financial resources that affects the defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k).

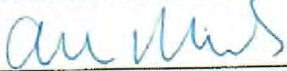
5. Term of Liability

The defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the defendant, the defendant's estate will be held responsible for any unpaid

balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

AGREED AND CONSENTED TO:

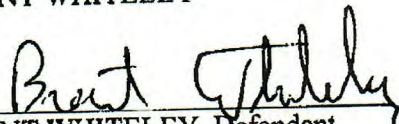
DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

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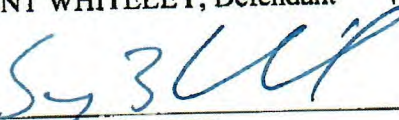
February 14, 2024

DATE

BRENT WHITELEY


By: 
BRENT WHITELEY, Defendant

2/8/24
DATE

By: 
SAMY KHALIL, ESQ.
Attorney for Defendant
4200 Montrose Blvd, Suite 440
Houston, Texas 77006

2/8/24
DATE

SO ORDERED:


HONORABLE GREGORY H. WOODS
UNITED STATES DISTRICT JUDGE

February 14, 2024
DATE